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**FILED**  
**AUG 18 2008**  
**RICHARD W. WIEKING**  
**CLERK U.S. DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCELLUS G. TONEY

Plaintiff,

vs.

SAN FRANCISCO POLICE

DEPT. et al.

Defendant.

CV 08

3869

CASE NO. \_\_\_\_\_

**PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

JSW

(PR)

I, MARCELLUS TONEY, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes        No ✓

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

\_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

DOLLAR TREE STORES, INC.

OAKLAND, CA.

2. Have you received, within the past twelve (12) months, any money from any of the following sources:

- a. Business, Profession or self employment Yes        No ✓
- b. Income from stocks, bonds, or royalties? Yes        No ✓
- c. Rent payments? Yes        No ✓
- d. Pensions, annuities, or life insurance payments? Yes        No ✓
- e. Federal or State welfare payments, Social Security or other government source? Yes        No ✓

If the answer is "yes" to any of the above, describe each source of money and state the amount received from each.

3. Are you married? Yes        No ✓

Spouse's Full Name: \_\_\_\_\_

Spouse's Place of Employment: \_\_\_\_\_

Spouse's Monthly Salary, Wages or Income:

Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

4. a. List amount you contribute to your spouse's support: \$ \_\_\_\_\_

1        b.      List the persons other than your spouse who are dependent upon you for  
 2                   support and indicate how much you contribute toward their support. (NOTE:  
 3                   For minor children, list only their initials and ages. DO NOT INCLUDE  
 4                   THEIR NAMES.).

5 \_\_\_\_\_  
 6 \_\_\_\_\_

7        5.      Do you own or are you buying a home?           Yes \_\_\_\_ No

8        Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

9        6.      Do you own an automobile?           Yes \_\_\_\_ No

10      Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

11      Is it financed? Yes \_\_\_\_ No \_\_\_\_ If so, Total due: \$ \_\_\_\_\_

12      Monthly Payment: \$ \_\_\_\_\_

13      7.      Do you have a bank account? Yes \_\_\_\_ No  (Do not include account numbers.)

14      Name(s) and address(es) of bank: \_\_\_\_\_  
 15 \_\_\_\_\_

16      Present balance(s): \$ \_\_\_\_\_

17      Do you own any cash? Yes \_\_\_\_ No  Amount: \$ \_\_\_\_\_

18      Do you have any other assets? (If "yes," provide a description of each asset and its estimated  
 19      market value.) Yes \_\_\_\_ No   
 20 \_\_\_\_\_

21      8.      What are your monthly expenses?

22      Rent: \$ \_\_\_\_\_ Utilities: \_\_\_\_\_

23      Food: \$ \_\_\_\_\_ Clothing: \_\_\_\_\_

24      Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
\$ _____	\$ _____	\$ _____
\$ _____	\$ _____	\$ _____
\$ _____	\$ _____	\$ _____

1     9. Do you have any other debts? (List current obligations, indicating amounts and to  
2 whom they are payable. Do not include account numbers.)  
3 \_\_\_\_\_  
4 \_\_\_\_\_

5     10. Does the complaint which you are seeking to file raise claims that have been presented  
6 in other lawsuits? Yes \_\_\_\_ No

7     Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in  
8 which they were filed.  
9 \_\_\_\_\_  
10 \_\_\_\_\_

11     I consent to prison officials withdrawing from my trust account and paying to the court  
12 the initial partial filing fee and all installment payments required by the court.

13     I declare under the penalty of perjury that the foregoing is true and correct and  
14 understand that a false statement herein may result in the dismissal of my claims.

15     8 - 7 - 08  
16

17     DATE

SIGNATURE OF APPLICANT

Malcellus Loney

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Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS  
IN  
PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of \_\_\_\_\_ for the last six months

Folsom Prison [prisoner name] where (s)he is confined.

[name of institution]  
I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.

Dated: 7/30/08

Alycen C. Davis  
[Authorized officer of the institution]

REPORT ID: TS3030 .701  
REPORT DATE: 07/30/08  
PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
CALIFORNIA STATE PRISON FOLSOM  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 30, 2008

BED/CELL NUMBER: B5BBT100000008U  
ACCOUNT TYPE: I

THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
IS DUE TO THE DEBTOR OR TRUSTEE AS A RESULT OF THIS PROVISION.

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

## TBUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	0.00	0.00

CURRENT AVAILABLE BALANCE	0.00
THE VATAN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.	

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THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTACH.  
1/30/08  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY *[Signature]*  
TRUST OFFICE

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